

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1379 be amended to read as follows:

1       Page 1, after the enacting clause and before line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 4-15-9-2 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** If a state  
5       employee's employment with a state agency is terminated because of  
6       governmental reorganization, the state agency or the personnel  
7       department shall assist ~~him~~ **the individual** in locating employment  
8       with another state agency. When a same or similar position for which  
9       the terminated state employee is qualified becomes available with a  
10      state agency, ~~he~~ **the individual** shall be given priority consideration in  
11      filling the position. However, if the position is a merit position, merit  
12      requirements must be met.  
13      **(b) This subsection applies to employees of the department of**  
14      **workforce development ("department") on January 1, 2005, who**  
15      **were separated from employment during a reorganization of the**  
16      **department before January 1, 2006, and the reorganization**  
17      **required the employee to relocate from their location of**  
18      **employment to Indianapolis to retain employment. The department**  
19      **of workforce development shall rehire such an individual who**  
20      **remains qualified for employment with a state agency. The**  
21      **department shall use the reemployment of these individuals for**  
22      **improved outreach to individuals who might be eligible for regular**  
23      **unemployment compensation by virtue of any provisions of**  
24      **Indiana law for responding to increased demand for**  
25      **unemployment compensation and staff assisted reemployment**  
26      **services for unemployment compensation claimants as provided by**  
27      **Section 2003 of the Administration of the American Recovery and**  
28      **Reinvestment Act of 2009. In addition, for a rehired employee**  
29      **whose retirement plan membership was also automatically**  
30      **suspended under IC 5-10.2-3-5(b), the period of the employee's**  
31      **separation from employment does not apply in applying the five (5)**

1 **year period and such an employee's retirement plan membership**  
 2 **shall be reinstated so long as the employee otherwise qualifies for**  
 3 **reinstatement in the retirement plan."**

4 Page 69, between lines 24 and 25, begin a new paragraph and insert:

5 "SECTION 49. IC 22-4-23-1, AS AMENDED BY P.L.108-2006,  
 6 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 1. (a) The department shall establish and  
 8 maintain free public employment and training offices in such number  
 9 and in such places as may be necessary for the proper administration  
 10 of this article and for the purpose of performing such duties as are  
 11 within the purview of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through  
 12 2014 and any amendments thereto. The provisions of 29 U.S.C. 49 et  
 13 seq. and 38 U.S.C. 2000 through 2014 are hereby declared accepted by  
 14 the state in conformity with the terms of 29 U.S.C. 49 et seq. and 38  
 15 U.S.C. 2000 through 2014, and the state commits itself to the  
 16 observation of and compliance with the requirements of 29 U.S.C. 49  
 17 et seq. and 38 U.S.C. 2000 through 2014, and the department is  
 18 constituted the agency of the state for all purposes of 29 U.S.C. 49 et  
 19 seq. and 38 U.S.C. 2000 through 2014. All duties and powers conferred  
 20 upon any other department, agency, or officer of the state relating to the  
 21 establishment, maintenance, and operation of free public employment  
 22 offices shall be vested in the department. The department being  
 23 charged with the duty to cooperate with any official or agency of the  
 24 United States having powers or duties under the provisions of 29  
 25 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, shall be and is  
 26 authorized and empowered to do and perform all things necessary to  
 27 secure to this state the benefits of 29 U.S.C. 49 et seq. and 38 U.S.C.  
 28 2000 through 2014. The department may cooperate with or enter into  
 29 agreements with the railroad retirement board with respect to the  
 30 establishment, maintenance, and use of free employment service  
 31 facilities.

32 **(b) The department shall maintain at each public employment**  
 33 **and training office an employee who holds a position that**  
 34 **supervises and enhances the request and processing of claims by**  
 35 **unemployed individuals.**

36 ~~(b)~~ (c) The department may do all acts and things necessary or  
 37 proper to carry out the powers expressly granted under this article.

38 SECTION 50. IC 22-4-23-2 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) All money  
 40 received by this state under the said acts of Congress shall be paid into  
 41 the employment and training services administration fund, and said  
 42 money is hereby made available to the department to be expended as  
 43 provided by this section and by said acts of Congress. For the purpose  
 44 of establishing and maintaining free public employment and training  
 45 offices, the department is authorized to enter into agreements with the  
 46 railroad retirement board or any other agency of the United States  
 47 charged with the administration of an unemployment compensation

1 law, with any political subdivision of this state or with any private,  
2 nonprofit organization, and as a part of any such agreement the  
3 department may accept money, services, or quarters as a contribution  
4 to the employment and training services administration fund.

5 (b) The general assembly shall appropriate and make available to  
6 the department annually an amount sufficient to ensure the state's  
7 receiving its full share of funds under the acts of Congress in this  
8 section referred to. Such money shall be deposited in the employment  
9 and training services administration fund.

10 (c) **To compensate individuals who have been rehired under**  
11 **IC 4-15-9-2(b), the department shall use money received by the**  
12 **state under Section 2003 of the Administration of the American**  
13 **Recovery and Reinvestment Act of 2009 under the heading**  
14 **"Special Transfer in Fiscal Year 2009 for Administration".**

15 Renumber all SECTIONS consecutively.

(Reference is to EHB 1379 as printed March 20, 2009.)

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Senator TALLIAN